

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CORNELL SHEGOG,
Petitioner,
v.
STEVE SINCLAIR,
Respondent.

Case No. C11-5199RJB/JRC

**REPORT AND
RECOMMENDATION TO DENY IN
FORMA PAUPERIS STATUS**

NOTED FOR: April 15, 2011

This habeas corpus action, filed pursuant to 28 U. S.C. § 2254, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate Judge Rules MJR 3 and MJR 4. Petitioner seeks to proceed in forma pauperis, but has an average spendable balance in his account that would allow for payment of the full five dollar filing fee (ECF No. 1). Petitioner earns an average of seventy dollars and thirty cents a month.

The district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Petitioner has the funds needed for full payment.

1 Petitioner has not shown that he is unable to pay the full filing fee to proceed with his
2 petition. Accordingly, the court recommends the in forma pauperis status be **DENIED and**
3 **petitioner be given thirty days to pay the filing fee.**

4 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
5 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.
6 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.
7 See 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is
8 directed to set the matter for consideration on April 15, 2011, as noted in the caption.
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10 Dated this 23rd day of March, 2011.
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14 J. Richard Creatura
United States Magistrate Judge
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